

REMARKS

The Examiner's consideration of the foregoing amendments and remarks is greatly appreciated. Claims 1-23, 25-29, 32-57, and 68 are pending in this application.

In the Office Action mailed July 23, 2007 (hereinafter "Office Action"), Claims 1-29, 32-57, and 68 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. 2002/0069156, to Adam et al. (hereinafter "Adam et al."). Applicants maintain the position that the cited teachings of the Adam et al. reference do not qualify as prior art under 35 U.S.C. § 102(e) as the subject matter of the present application was conceived prior to the earliest possible priority date of the Adam et al. reference, namely September 1, 2000. Further applicants submit that they were diligent with the filing of the provisional patent application claimed as a priority document and filed October 31, 2000. Applicants reserve the right to provide further supporting document regarding their conception and diligence.

In addition to establishing an earlier conception and reduction to practice, applicants respectfully submit that the present application is further distinguishable from the cited reference, Adam et al. In its entirety, amended independent Claim 1 recites as follows:

1. A method for facilitating transactions between one or more buyers and sellers, the method comprising:

obtaining a buyer transaction request, the transaction request including one or more buyer criteria embodied in one of three classifications including general classifications, specific seller and combination general classification and specific seller;

identifying a set of sellers corresponding to the at least one buyer criteria; transmitting the set of sellers corresponding to the buyer criteria;

obtaining a selection of at least one seller corresponding to the buyer criteria;

processing the negotiation of a transaction between the buyer and the selected seller corresponding to the buyer criteria;

obtaining a confirmation of the completion of a transaction between the buyer and the selected seller;

generating transaction records associated with the completed transaction; obtaining a third party transaction request;

identifying one or more third parties corresponding to third party transaction request;

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transmitting a set of third parties corresponding to the third party transaction request;

obtaining a selection of at least one third party corresponding to the third party transaction request;

processing the negotiation of a transaction with the selected third party corresponding to the third party transaction request;

obtaining a confirmation of the completion of a transaction with the selected third party corresponding to the third party transaction request; and

generating transaction records associated with the completed transaction.

The Office Action asserts that Adam et al. teaches all of the limitations recited with regard to Claim 1. Applicants respectfully submit that Adam et al. fails to teach or suggest every limitation recited with regard to Claim 1. Specifically, Adam et al. fails to teach or suggest the inclusion of additional third party transactions into the completed transaction between a specific buyer and seller as recited in the claim. Specifically, Adam et al. fails to teach or suggest at least "obtaining a third party transaction request," "identifying one or more third parties corresponding to third party transaction request," "transmitting a set of third parties corresponding to the third party transaction request," "obtaining a selection of at least one third party corresponding to the third party transaction request," and "processing the negotiation of a transaction with the selected third party corresponding to the third party transaction request" as recited in the claim.

In contrast, Adam et al. is generally directed to the processing of transactions between buyers and sellers. However, Adam et al. is limited to teaching the interaction between buyers and sellers to a transaction and does not further teach the additional integration of third-party providers, such as shipping agents and insurance agents, to a transaction. While the Office Action relies upon the Abstract for teaching the integration of third party providers, applicants respectfully submit that Adam et al. only teaches a notification component. "[O]nce a transaction is consummate, transaction details are forwarded to a third-party financial institution for fund transfer." Adam et al. does not teach that the buyer can also provide additional selection criteria for the inclusion of various third party providers that may be part of the transaction.

To anticipate a claim under 35 U.S.C. § 102, the cited reference must teach each and every element recited in the claim. *Verdegaal Bros. v. Union Oil Co. of California*, 814

F.2d 628, 631 (Fed. Cir. 1987). In all of the cited portions of Adam et al., buyers are not presented with the opportunity to select and specify third-party providers according to buyer criteria. Accordingly, Adam et al. fails to teach or suggest "obtaining a third party transaction request," "identifying one or more third parties corresponding to third party transaction request," "transmitting a set of third parties corresponding to the third party transaction request," "obtaining a selection of at least one third party corresponding to the third party transaction request," and "processing the negotiation of a transaction with the selected third party corresponding to the third party transaction request" as recited in Claim 1. Thus, applicants respectfully request withdrawal of the rejection of Claim 1 under 35 U.S.C. § 102(e) and allowance of the claim.

For the same reasons discussed above with regard to Claim 1, dependent Claims 2-29 are submitted to be patentable over Adam et al. Moreover, the dependent claims recite additional limitations that establish the patentability of the invention over Adam et al. Accordingly, applicants respectfully request withdrawal of the rejection of Claims 2-23 and 25-29 under 35 U.S.C. § 102(e) and allowance of the claims.

Independent Claim 32 recites ""obtaining a third party transaction request," "identifying one or more third parties corresponding to third party transaction request," "transmitting a set of third parties corresponding to the third party transaction request," "obtaining a selection of at least one third party corresponding to the third party transaction request," and "processing the negotiation of a transaction with the selected third party corresponding to the third party transaction request." As discussed above, Adam et al. fails to teach or suggest this limitation. Dependent Claims 33-57 are submitted to be patentable over Adam et al. for at least the reasons recited with regard to Claim 32. Moreover, the dependent claims recite additional limitations that establish the patentability of the invention over Adam et al. Likewise, amended independent Claim 68 recites "obtaining a third party transaction request," "identifying one or more third parties corresponding to third party transaction request," "transmitting a set of third parties

corresponding to the third party transaction request," "obtaining a selection of at least one third party corresponding to the third party transaction request," and "processing the negotiation of a transaction with the selected third party corresponding to the third party transaction request." For the reasons discussed above with regard to Claim 1, applicants respectfully request withdrawal the rejection of Claims 32-57 and 68 under 35 U.S.C. § 102(e) and allowance of the claims.

CONCLUSION

The foregoing amendment and response is submitted as a full and complete response to the Office Action mailed July 23, 2007. If the Examiner believes that there are any issues that can be resolved by telephone conference, or if there are any informalities that can be corrected by the Examiner's amendment, the Examiner is invited to contact the undersigned at the number provided below.

Respectfully submitted,

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